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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DANIEL LUCERO,  
Plaintiff,

v.

ISABEL GUZMAN, et al.,  
Defendant.

Case No. 2:21-cv-00915-RFB-VCF

**Motion to Defer Early Neutral  
Evaluation Session**

Defendant Isabel Guzman ("Defendant")<sup>1</sup> hereby moves to defer the Early Neutral Evaluation session ("ENE"), currently scheduled for November 22, 2021, until after the close of discovery. This motion is supported by the declaration of defense counsel.

**ARGUMENT**

Plaintiff Daniel Lucero ("Plaintiff") has filed suit, asserting four claims: race discrimination under Title VII; age discrimination under the Age Discrimination in Employment Act ("ADEA"); disability discrimination under the Rehabilitation Act; and

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<sup>1</sup> The complaint refers to Defendant as "Isabel Guzman," but her name is "Isabella Casillas Guzman."

retaliation under Title VII. (ECF No. 9 ¶¶ 21-48). The Court recently scheduled an ENE for November 22, 2021 at 9:00 a.m. (ECF No. 14). On September 20, 2021, Defendant moved to dismiss Plaintiff's complaint. (ECF No. 13). That motion is not yet ripe.

Defendant seeks to defer the ENE until after the parties have had an opportunity to conduct discovery in the case. Defendant is unlikely to receive authorization from her superiors to resolve the case unless and until significant discovery occurs. (Vance Decl. ¶ 3). Moreover, the parties cannot properly frame the issues in the case until the Court decides Defendant's motion to dismiss. (*Id.*). Under the circumstances, participating in an ENE at this time would not be meaningful, productive, or fruitful. (*Id.*). Accordingly, Defendant respectfully requests that the ENE, currently scheduled for November 22, 2021, be deferred until after the close of discovery.

### CONCLUSION

For the reasons argued above, Defendant respectfully requests that the Court defer the ENE until after the close of discovery.

DATED: September 28, 2021.


CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Holly A. Vance  
HOLLY A. VANCE  
Assistant United States Attorney  
Counsel for Defendant

### Order

IT IS SO ORDERED

DATED: 10:46 am, September 29, 2021

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE